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**United States District Court**  
**Western District of Texas**  
**El Paso Division**

**INITIAL APPEARANCE / PLEA AND SENTENCE**

**Case Number: EP:19-M -08059(1) MAT**

DEFENDANT'S NAME:  
 Alex Dario Marcatoma-Azogue

ATTY FOR DEFENDANT: Joshua Cody Spencer

JUDGE: Miguel A. Torres  
 DEPUTY CLERK: Rita R Velez  
 COURT REPORTER: ERO

AUSA: John Gans  
 INTERPRETER: ☒ Yes ☐ No  
 PROBATION: \_\_\_\_\_  
 PRETRIAL OFFICER: \_\_\_\_\_  
 TIME: \_\_\_\_ Minutes 3:32 - 4:20

DATE: 08/26/2019

PROCEEDINGS	DFT NO.	[DftNo1]	[DftNo2]
<input checked="" type="checkbox"/> INITIAL APPEARANCE HELD		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> ARRAIGNMENT HELD		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> DFT INFORMED OF RIGHTS/oral consent to plea		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> GUILTY DEFT [DftNo1] COUNT(S): <u>COMPLAINT</u>			
<input checked="" type="checkbox"/> GUILTY PLEA ACCEPTED BY THE COURT		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Information Filed On _____		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Motion to Dismiss Complaint filed on _____		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Court Grants Motion to Dismiss on _____		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Order Dismissing Complaint entered on _____		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Oral Motion by AUSA to Remit Special Assessment		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Oral Order Granting Oral Motion to Remit Special Assessment		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> SENTENCING HELD: Defendant sentenced to <b>Time Served plus one day; No Fine; S/A REMITTED.</b>			

OTHER: \_\_\_\_\_

**UNITED STATES DISTRICT COURT**  
WESTERN DISTRICT OF TEXAS, EL PASO DIVISION

FILED  
08/26/2019  
Clerk, U.S. District Court  
Western District of Texas

By: RRV  
Deputy

USA  
vs.  
(1) ALEX DARIO MARCATOMA-AZOGUE

§  
§ CRIMINAL COMPLAINT  
§ CASE NUMBER: EP:19-M -08059(1) - MAT  
§  
§

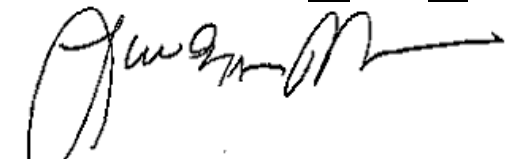
I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about **08/23/2019** in **El Paso** county, in the **WESTERN DISTRICT OF TEXAS** defendant did, being an alien to the United States, knowingly enter and attempt to enter the United States at a time and place other than as designated by immigration officers in violation of Title **8** United States Code, Section(s) **1325(a)(1)**.

I further state that I am a(n) **Border Patrol Agent** and that this complaint is based on the following facts: *"The Defendant, MARTACOMA-Azogues, Alex Dario, an alien to the United States and a citizen of Ecuador, illegally entered the United States from the Republic of Mexico on August 23, 2019 by crossing the Rio Grande River approximately 10 miles west of the Tornillo Port of Entry in Tornillo, Texas, which is located in the Western District of Texas. The place where the Defendant entered is not designated as a port of entry by immigration officers."*

Continued on the attached sheet and made a part of hereof:

☒ Yes ☐ No

Sworn to before me and subscribed in my presence,



Signature of Complainant  
Rodriguez, Luis Enrique  
Border Patrol Agent

08/26/2019  
File Date

at EL PASO, Texas  
City and State

MIGUEL A. TORRES  
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

CONTINUATION OF CRIMINAL COMPLAINT

WESTERN DISTRICT OF TEXAS

(1) ALEX DARIO MARCATOMA-AZOGUE

FACTS (CONTINUED)

The Defendant, MARTACOMA-Azogue, Alex Dario, an alien to the United States and a citizen of Ecuador, illegally entered the United States from the Republic of Mexico on August 23, 2019 by crossing the Rio Grande River approximately 10 miles west of the Tornillo Port of Entry in Tornillo, Texas, which is located in the Western District of Texas. The place where the Defendant entered is not designated as a port of entry by immigration officers.

Because this affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.

IMMIGRATION HISTORY:

The DEFENDANT was previously apprehended on July 31, 2019 and served with a Notice to Appear. The DEFENDANT was returned to Mexico through El Paso, Texas under the Migrant Protection Protocol pending an immigration hearing on November 20, 2019.

CRIMINAL HISTORY:

NONE

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**United States District Court**  
**Western District of Texas**  
**El Paso Division**

**UNITED STATES OF AMERICA**

vs.

**(1) ALEX DARIO MARCATOMA-AZOGUE**

*Defendant*

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**No: EP:19-M -08059(1)**

**ORDER APPOINTING COUNSEL**

The above Defendant has testified under oath, or has otherwise satisfied this Court that he or she is financially unable to employ counsel, and does not wish to waive counsel.

Therefore, in the interests of justice, Joshua Cody Spencer, is hereby appointed, pursuant to the provisions of the Criminal Justice Act, to represent said Defendant in this case.

This appointment shall remain in effect until further order of the Court.

It is, accordingly, so **ORDERED** this the 26th day of August, 2019.

  
\_\_\_\_\_  
MIGUEL A. TORRES  
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

USA

vs.

**(1) ALEX DARIO  
MARCATOMA-AZOGUE**

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**Case Number: EP:19-M -08059(1)**

**ORDER SETTING MISDEMEANOR ARRAIGNMENT/PLEA & SENTENCE**

**IT IS HEREBY ORDERED** that the above entitled and numbered case is set before the **HONORABLE U.S. MAGISTRATE MIGUEL A. TORRES** for **MISDEMEANOR ARRAIGNMENT/PLEA & SENTENCE**, **August 26, 2019 at 02:30 PM** in **Magistrate Courtroom, Room 712**.

**IT IS FURTHER ORDERED** that the Clerk of Court shall send a copy of this order to the defendant, counsel for defendant, the United States Attorney, U.S. Pretrial Services, United States Probation Office, and any surety or custodian, if applicable. Further, counsel for the defendant shall notify the defendant of this setting. If the defendant is on bond, he/she shall be present.

**IT IS SO ORDERED** this **08/26/2019**.

A handwritten signature in black ink, appearing to read "Miguel A. Torres", is written over a horizontal line.

**MIGUEL A. TORRES  
UNITED STATES MAGISTRATE JUDGE**

**UNITED STATES DISTRICT COURT**  
 WESTERN DISTRICT OF TEXAS  
 EL PASO DIVISION

FILED  
 08/26/2019  
 Clerk, U.S. District Court  
 Western District of Texas

By: RRV  
 Deputy

UNITED STATES OF AMERICA

vs.

(1) ALEX DARIO MARCATOMA-AZOGUE

Defendant.

§  
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§  
§CASE NUMBER: EP:19-M -08059(1) - MAT  
USM Number:

**JUDGMENT IN A CRIMINAL CASE**  
**(For A Petty Offense) - Short Form**

The defendant, Alex Dario Marcatoma-Azogue, was represented by counsel, Joshua Cody Spencer.

The defendant pled guilty to the complaint on August 26, 2019. Accordingly, the defendant is adjudged guilty of the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date of Offense</u>
8 USC 1325(a)(1)	IMPROPER ENTRY BY AN ALIEN	August 23, 2019

As pronounced on August 26, 2019, the defendant is hereby committed to the custody of the United States Bureau of Prisons for a term of **Time Served plus one day**. The defendant shall remain in custody pending service of sentence.

The special assessment imposed pursuant to 18 U.S.C. § 3013 is hereby remitted pursuant to 18 U.S.C. § 3573 because reasonable efforts to collect this assessment are not likely to be effective.

Signed this the 26th day of August, 2019.

  
 MIGUEL A. TORRES  
 UNITED STATES MAGISTRATE JUDGE